

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
AT KNOXVILLE**

KEITH GARRETT,

Plaintiff,

v.

AL SEITNER,

Defendant.

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No. _____
JURY DEMANDED

COMPLAINT

COMES the Plaintiff, Keith Garrett and sues the Al Seitner in his individual capacity pursuant to 42 U.S.C. §1983 and Tennessee law, only in an amount to be proven at trial, in support of this action claims and alleges as follows:

PARTIES, JURISDICTION, VENUE AND DAMAGES

1. The Plaintiff Keith Garrett is an adult citizen and resident of Macon County, Tennessee.
2. The Defendant Al Seitner is a citizen and resident of Putnam County, Tennessee. At all times material herein, Defendant Seitner was employed by the Tennessee Department of Safety and Homeland Security. He is sued in his individual capacity only.
3. This court has jurisdiction to hear this cause pursuant to 28 U.S.C. §1331, and 28 U.S.C. §1343, 28 U.S.C. §1367. Venue is appropriate pursuant to 25 U.S.C. §1391.
4. Defendant Al Seitner arrested Plaintiff Keith Garrett on or about March 4, 2021 without probable cause for the alleged violations

5. of T.C.A. §39-13-605 – unlawful photographing in violation of privacy, and T.C.A. §39-13-607. Observation without consent; violation. The arrest was effected by Defendant without probable cause to arrest Plaintiff for these offences or any other offence in violation of Plaintiff's federal constitutional rights secured by the Fourth and Fourteenth Amendment to the United States Constitution.

6. Plaintiff also avers that Defendant Al Seitner is liable to him for malicious prosecution in derogation of his Fourth and Fourteenth Amendment rights. Plaintiff alleges that Defendant made, influenced and participated in the decision to prosecute him for the aforementioned offences, no probable cause existed to prosecute Plaintiff for the aforementioned offences or any other offenses, and Plaintiff alleges that as a result of Defendant's commencement of legal proceedings which caused his arrest, Plaintiff sustained a deprivation of liberty and further that certain charges in the criminal proceeding which is and/or will be resolved in Mr. Garrett's favor.

7. Plaintiff avers that that Defendant is liable to Plaintiff under Tennessee law for the commission of the tort of false arrest and malicious prosecution as stated previously, Defendant arrested Plaintiff without probable cause, and caused a prosecution to commence against Plaintiff, participated in said prosecution. The prosecution deprived Plaintiff of liberty as a result of the legal proceeding commenced by Defendant, and the criminal proceeding commenced against Plaintiff by the Defendant was resolved in the Plaintiff's favor on certain charges.

8. As the direct and proximate result of Defendant's unlawful actions as alleged herein, Mr. Garrett has suffered, and will continue to suffer, actual, compensatory, consequential, incidental, pecuniary, and other damages, including but not limited to, loss of

employment, lost wages, lost benefits, out of pocket expenses, emotional and mental distress, pain, suffering, anguish, stress, humiliation, loss of reputation, embarrassment, inconvenience, and loss of enjoyment of life.

9. Mr. Garrett likewise is entitled to and seeks recovery of his reasonable attorneys' fees, expert witness fees, pre- and post-judgment interest, and costs.

WHEREFORE, Plaintiffs Keith Garrett respectfully requests that a judgement be entered in his favor and against Defendant Al Seitner, sued in his official capacity only, for compensatory damages, cost, attorney fees in accordance with 42 U.S.C. §1988, and for any other relief he deems entitlement to, and further demands a jury to try this cause.

RESPECTFULLY SUBMITTED this the 4th day of March, 2022.

TAYLOR & KNIGHT, GP

/s/ Arthur F. Knight, III

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